UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
10th meeting
held on
Monday, 18 October 1993
at 3 p.m.
New York

SUMMARY RECORD OF THE 10th MEETING

Chairman: Mr. KUKAN (Slovakia)

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Distr. GENERAL
A/C.3/48/SR.10
2 November 1993

ORIGINAL: ENGLISH

93-81666 (E)

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/48/18, A/48/76-S/25230, A/48/81, A/48/118, A/48/291-S/26242, A/48/423, 438 and 439)

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

(a) RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/48/94, 207, 211, 307, 330, 357, 384 and 385)

1. Mr. SLABY (Czech Republic) said that the complete dismantling of apartheid in South Africa should be achieved by exclusively peaceful means. Although it was disheartening that racially motivated violence and clashes between the various groups were continuing in that country, his Government welcomed the agreement to hold multiracial elections and set up a transitional executive council. Racial intolerance existed in all parts of the world. It was disturbing that ethnic and racial intolerance, particularly with regard to migrant workers and refugees, was increasing also in Europe. The Czech Republic therefore noted with satisfaction the results of the recent summit of the Council of Europe, which had adopted a complex plan of action to combat racism, xenophobia, anti-Semitism and intolerance.

2. The horrifying manifestations of ethnic hatred in Bosnia and Herzegovina amounted to genocide. The perpetrators of those outrageous acts must be brought to justice. Accordingly, his delegation welcomed the establishment of an international tribunal to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia and hoped that the tribunal could start work as soon as possible.

3. The Czech Republic supported the draft programme of action for the third decade to combat racism and racial discrimination, which was an appropriate framework for pragmatic, concrete action. The Committee on the Elimination of Racial Discrimination and the Subcommission on Prevention of Discrimination and Protection of Minorities should play a key role in that regard. The United Nations must continue to promote the implementation of relevant international legal instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination. There was a need to maintain constructive dialogue with States parties whose reports were overdue and consider developments in those States on the basis of previous reports and other available information. His delegation welcomed the measures taken by the Secretary-General to finance the Committee on the Elimination of Racial Discrimination through the regular budget and underscored the need for States parties to carry out fully all their obligations. The Government of the Czech Republic had assumed all the commitments under the Convention which the former Czechoslovakia had undertaken and intended to abide by them.

4. The international community must take further measures to deal with all forms of racism and racial discrimination. His Government therefore supported the decision by the Commission on Human Rights to appoint a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, whose reports to the Commission would be a very good basis

(Mr. Slaby, Czech Republic)

for identifying major problems and preventing the emergence of new hotbeds of tension.

5. The Czech Republic fully recognized the right of peoples to self-determination as a basic principle of international human rights law. That right could be achieved only in a democratic society guaranteeing the real possibility of taking part in the conduct of public affairs. Free, regular and genuine elections were of paramount importance in that regard. The main purpose of implementation of that right should be to create conditions for the free economic, social and cultural development of peoples as a whole and should not be limited to questions of territorial change. On the other hand, no separatist movement should be viewed solely as an attempt to exercise the right to self-determination. It should always be considered in the context of other principles of international law, in particular the principle of territorial integrity.

6. Mr. AL-KINDI (United Arab Emirates) commended the role of the United Nations in assisting peoples to exercise the right of self-determination and acquire their legitimate rights. Being opposed to all forms of racial discrimination and human-rights violations, his country welcomed the negotiated agreement in South Africa; it was a step towards a permanent agreement aimed at achieving a united, non-racial and democratic South Africa where the people could enjoy their fundamental freedoms and devote their energies to economic and social development. His country would endeavour to assist in strengthening democracy in South Africa and in achieving that development, in which connection he endorsed Nelson Mandela's call for the lifting of sanctions against South Africa.

7. His country advocated approval of the draft programme of action for the third decade to combat racism and racial discrimination.

8. With reference to item 108, he said that the United Nations would not achieve universality unless its membership included peoples who had hitherto been unable to exercise self-determination. By the same token, it rejected all forms of imperialism and vehemently condemned military intervention and the occupation of territory by force.

9. His country welcomed the Declaration of Principles on Interim Self-Government Arrangements, signed between the Palestine Liberation Organization and Israel, as a first step towards a just and comprehensive peace in the Middle East on the basis of United Nations resolutions. It also urged implementation of Security Council 425 (1978) calling on Israel to withdraw from all Lebanese territory.

10. As a result of the recent global changes, racial discrimination had intensified in certain areas of the world; one example was provided by Bosnia and Herzegovina, where the blatant atrocities and inhuman practices based on racial, ethnic and religious discrimination contradicted the United Nations Charter and international human rights instruments. His country therefore endorsed the United Nations resolutions on that subject, particularly concerning the establishment of an international tribunal to prosecute persons responsible for serious violations of international humanitarian law in the former

(Mr. Al-Kindi, United Arab Emirates)

Yugoslavia, and thus put an end to the tragedy being enacted. The defence and safeguarding of Bosnia and Herzegovina would test the credibility and effectiveness of the United Nations.

11. Mr. NASSIROV (Azerbaijan) said that it was very difficult at the current time to bring into harmony the right of peoples to self-determination and the principle of the territorial integrity of States. There was growing concern in the United Nations system at the unjustified tendency to interpret the right to self-determination as the right of any ethnic or national community to establish its own State. In accordance with basic United Nations instruments, the right to self-determination did not justify violations of the principle of the independence and territorial integrity of States. There had been a number of recent cases where the right to self-determination had been used in an attempt to justify territorial expansion under the guise of protecting related ethnic groups in other countries. In such cases, the implementation by one ethnic group of the right to self-determination sometimes led to violations of the basic rights of other ethnic groups and even "ethnic cleansing".

12. The Republic of Armenia, after becoming independent in 1991, had expelled from its territory 215,000 of its nationals merely because they were ethnic Azerbaijanis. Armenia had then undertaken the task of implementing the right to self-determination of ethnic Armenians in neighbouring Azerbaijan, where the Armenian community in Nagorny Karabakh had had autonomous status, including complete political, economic, social and cultural rights. Subsequently, Armenia had committed direct aggression against Azerbaijan and expelled 50,000 Azerbaijanis from Nagorny Karabakh. In order to undergird the idea of "self-determination", Armenia had established a "humanitarian" corridor to Nagorny Karabakh as a channel for supplying weapons, ammunition and manpower. As a result, Armenia had occupied a sector of Azerbaijani territory that was four times larger than the area of Nagorny Karabakh and subjected it to total ethnic cleansing. In that way, the process which the Republic of Armenia attempted to depict as implementation of the right to self-determination of the Armenian community in Nagorny Karabakh, which numbered 120,000 persons, had led to the forced displacement of more than 1 million Azerbaijanis and the death of tens of thousands of people.

13. It was clear that the Armenian community in Nagorny Karabakh, even if it had wanted to, would not have been able to achieve such astounding results without considerable foreign assistance. Accordingly, it was a case not of the implementation of the right to self-determination, but rather of the use of force against the territorial integrity and political independence of another State. That was borne out by the fact that as early as 1989, the Armenian Parliament had adopted an unprecedented decision to unite the Nagorny Karabakh region of Azerbaijan with Armenia, in other words, to annex part of the territory of a neighbouring State.

14. In order to prevent bloodshed and war, the international community must carefully consider each specific case involving demands for self-determination and must clearly distinguish between self-determination and aggression. As a result of Armenian aggression, more than a million Azerbaijani refugees and displaced persons were receiving humanitarian assistance generously provided by many countries and international organizations, for which the Azerbaijani

(Mr. Nassirov, Azerbaijan)

Republic was most grateful. Nevertheless, the donor countries could have used those resources to meet their own needs if the international community had assessed the situation in time and prevented increased aggression.

15. Mr. AL-TAEE (Oman) said that his country had always attached great importance to the right of the Palestinian people to self-determination. As a long-standing advocate of a just and comprehensive settlement of the Palestinian problem on the basis of United Nations resolutions and land for peace, it had participated in the Madrid Peace Conference on the Middle East, the multilateral negotiations and various committees on the subject. Commending the role played by the United Nations in the Middle East conflict, he welcomed the Palestinian-Israeli agreement as a first step towards a lasting peace and stressed the need for more than moral support from the international community.

16. Turning to the appalling human tragedy in Bosnia and Herzegovina, he regretted that calls from the international community for compliance with the relevant Security Council resolutions had been in vain. While commending the humanitarian efforts of the United Nations to alleviate the suffering, he said that the main responsibility for taking measures to end the conflict lay with Europe. He concluded by welcoming the positive developments in South Africa; the prominent role played by the United Nations had undoubtedly been highly effective in producing the desired results, which should ultimately enable the people of South Africa to exercise its legitimate rights.

17. Mr. KIM JAE HON (Democratic People's Republic of Korea) said that it was deplorable that, despite the efforts of the international community, millions of human beings continued to be victims of various forms of racism and racial discrimination. His delegation therefore welcomed the proposed launching of the third decade to combat racism and racial discrimination and felt that the international community should redouble its efforts to eliminate all forms of racism.

18. His country welcomed the progress made towards achieving a lasting settlement of the Palestinian question and strongly believed that it would be a first step leading to full restoration of the national rights of the Palestinian people, including the right to establish a sovereign State, and to a comprehensive settlement of the Middle East question in the interest of the Arab people as a whole.

19. It was also heartening to witness the positive developments in South Africa, which resulted from concerted action by the international community and the determined efforts of the majority of peoples in that country. His Government welcomed the agreement to hold multiracial elections in 1994 and establish a transitional executive council, which would finally pave the way for a united non-racial and democratic South Africa. The Democratic People's Republic of Korea continued to advocate the elimination of all forms of racism and supported the legitimate struggle of peoples under colonial rule to exercise the right to self-determination. His delegation would continue to play a role in bringing about a world free of all forms of racism, racial discrimination and foreign domination.

20. Ms. SAMONTE-LIMJUCO (Philippines) said that her country had always supported measures pursued under the aegis of the United Nations to redress the violation of the right of peoples to self-determination. While the recruitment of mercenaries violated human rights and impeded the exercise of the right of peoples to self-determination, the facility with which some countries accused others of that practice without prior verification was also a cause for great concern. She shared the view that the right to self-determination should not be construed as authorizing or encouraging any action which would disrupt the territorial integrity or political unity of sovereign States conducting themselves in compliance with the principle of equal rights and self-determination of peoples. Indeed, the realization of the right to self-determination was nurtured by tolerance and responsible governance and sustained by firm political will.

21. While the recently concluded accord between Israel and the Palestine Liberation Organization offered hope that other seemingly intractable conflicts elsewhere would be solved, namely that the transition to a democratic non-racial nation in South Africa would be peaceful, racial and ethnic tensions in other parts of the world had spawned new forms of human rights abuses such as ethnic cleansing in the former Yugoslavia which the international community must make every effort to stop. The influx of labour from poor developing countries to more affluent developed ones had triggered tensions that in some cases led to violence against immigrants. Women migrant workers in particular were placed in double jeopardy as a result of their gender and alien status.

22. The proposed proclamation of a third decade to combat racism and racial discrimination and the observance of a year for tolerance in 1995 were very timely indeed. In that regard, the strengthening of existing human rights mechanisms would greatly aid in the prevention of discrimination, and regional arrangements could be very useful in promoting and protecting human rights. The United Nations should shift its attention from crisis-oriented actions to far-sighted measures.

23. Mr. SACIRBEY (Bosnia and Herzegovina) said that, while he welcomed the international community's strenuous efforts to integrate South Africa it was ironic that the same community had practically played accomplice in segregating Bosnia and Herzegovina. Over the past 19 months, more than half of the original Bosnian population, especially Muslims and Catholics, had been the victims of a multitude of abuses perpetrated by the ultra nationalist and fascist Belgrade regime in pursuit of its dream of a "Greater Serbia". Most of the efforts made by the international community to bring peace to the region had been fruitless because of the intransigence and appetite of the Belgrade regime coupled with a strategy of appeasement pursued by the international community. According to the International Court of Justice, the heinous crimes committed by the Belgrade regime constituted genocide. The democratically elected Government of Bosnia and Herzegovina had, from its inception, endeavoured to maintain the country's tradition of pluralism and multiculturalism, which had unfortunately been undermined by the international arms embargo. Rather than being checked, the forces that disregarded Security Council resolutions and committed murder and rape and were denounced as war criminals had amazingly been legitimized at the International Conference on the Former Yugoslavia. Genocide had been abetted by appeasement. The argument that the current rampant racism in Bosnia and

(Mr. Sacirbey, Bosnia and Herzegovina)

Herzegovina was the product of age-old ethnic hatreds was completely false. On the contrary, Bosnia and Herzegovina had a long tradition of providing sanctuary to people fleeing persecution.

24. In order to combat racism and stabilize the Balkans, the international community must not allow the Government of Serbia - clearly the biggest threat to Balkan stability - to destroy human rights wherever it pleased. He called on the United Nations to do its utmost to ensure the success of the International Tribunal established to prosecute persons responsible for serious violations of international humanitarian law in the former Yugoslavia, and welcomed the resolution adopted by the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-fifth session.

25. Mrs. BARGHOUTI (Observer for Palestine) said that although genuine efforts had been made to eliminate all forms of racism and racial discrimination, many people throughout the world still suffered from discrimination, inequality and denial of their fundamental human rights in addition to the denial of their right to self-determination. In that regard, the rights of the Palestinian people to self-determination had been on the agenda of the United Nations since 1949. The General Assembly had repeatedly examined the problem of the subjugation of the Palestinian people, who for years had been subject to the most brutal forms of oppression and discrimination at the hands of the Israeli military authorities. The establishment and expansion of Israeli settlements, the closure and isolation of areas in the occupied territories and the killing of defenceless Palestinian civilians continued despite recent positive developments.

26. The Palestine Liberation Organization had been engaged in all levels of the Middle East peace process in the hope of achieving peace and ending the occupation and harsh treatment meted out to the Palestinian people. The signing of the Declaration of Principles on Interim Self-Government Arrangements between the PLO and Israel constituted a very important step towards achieving a just and comprehensive peace in the Middle East. It also demonstrated how serious the Palestinians were about resolving the conflict in a peaceful manner. She called upon the General Assembly to reaffirm once again the rights of the Palestinian people to self-determination and to take immediate action to end their suffering. Her delegation hoped that in the light of the recent encouraging developments such a position would receive unanimous support.

27. Mr. ETEFFA (Ethiopia) said that his delegation was encouraged by the promising developments in South Africa and welcomed the decision to hold multi-racial elections and establish a transitional executive council to supervise the process of achieving a united, non-racial and democratic country. Accordingly, Ethiopia called upon all parties concerned to halt violence and pave the way for political dialogue, compromise and tolerance. His delegation also welcomed the agreement on mutual recognition by the Palestine Liberation Organization and Israel and hoped that it would lead to a comprehensive and peaceful political settlement in the Middle East as a whole.

(Mr. Eteffa, Ethiopia)

28. Although the achievements in South Africa and the Middle East were commendable, there were regrettably many areas of grave concern around the world. Atrocities and vicious crimes continued unabated, as demonstrated by the tragic situation in Bosnia and Herzegovina. The international community could not let such crimes go unpunished and those responsible must be brought to justice. The concept that injustice anywhere was a threat to justice everywhere should be a guiding principle.

29. Self-determination was inseparably linked to human rights and democratic decision-making. As important as they were, the principles of self-determination, non-interference in internal affairs and territorial integrity should not condemn peoples to perpetual domination and injustice. In order to ensure that the implementation of the right to self-determination was based on the desire of an entire people and not political parties alone, it should be based on referendums verified by impartial bodies.

30. In some instances, that right had been implemented after many years of civil war and bloodshed, as in Eritrea and Ethiopia. Previous Ethiopian regimes had refused to recognize the right of the Eritrean people to self-determination and had brought about untold destruction, both in terms of human lives and material resources. Self-determination in Eritrea was therefore part of a broader peacemaking process. There was no alternative to peace based on justice, equality, human dignity and fairness. Lasting peace required sacrifice, compromise and commitment to the well-being of individuals. The civilized separation of Slovakia and the Czech Republic served as a good example in that respect. While separation was not smooth and without cost, it was more cost-effective if the alternative was war.

31. The right to self-determination should be seen in the framework of peace and development as well as its relationship to human rights. All parties concerned should consider self-determination as part of an overall process of peacemaking, peace-building and preventive diplomacy, which were essential to prevent the devastation of war. In the case of Ethiopia and Eritrea, refusal to recognize the right of the Eritrean people to self-determination would have meant the continuation of a bloody war, which was beyond the physical, moral and psychological capability of Ethiopia. Accordingly, the transitional Government of Ethiopia was committed to dealing with the causes of conflicts, rather than the symptoms. Unity must be based on the free choice of the peoples concerned.

The meeting rose at 4.55 p.m.